

## **MINUTES**

### **PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY, APRIL 21, 2005 10:00 A.M. CITY HALL 8<sup>TH</sup> FLOOR – COMMISSION CONFERENCE ROOM**

#### **Members Present:**

Peter R. Partington, City Engineer  
Bob Dunckel, Assistant City Attorney  
Tony Irvine, City Surveyor  
Jimmy Koeth, Principal Planner  
Greg Thornburgh, Public Works Manager  
Kathy Connor, Parks Supervisor  
Tom Terrell, Maintenance Manager

#### **Staff Present:**

Victor Volpi, Senior Real Estate Officer  
Judy Johnson, Administrative Assistant I  
Frank Snedaker, Acting Chief Architect  
Ferney Garcia, Architectural Assistant  
Eileen Furedi, Clerk II  
Rafeela Persaud, Word Processing Secretary

#### **Guests Present:**

Veronica Gutierrez  
Michael Madfis  
Charlene Putnam  
Mark Van Dyke  
James G. McCullan  
Ed Ploski

Peter Partington called the meeting at 10:05 A.M. and stated that this is a Committee with the responsibility of advising the City Commission on matters connected with City property.

#### **ITEM ONE:                    APPROVAL OF MARCH 17, 2005 MINUTES**

**MOTION BY TONY IRVINE TO APPROVE THE MINUTES. SECONDED BY TOM TERRELL.  
MOTION PASSED UNANIMOUSLY.**

**ITEM TWO:**                    **APPROVAL OF APRIL 5, 2005 MINUTES (SPECIAL MEETING)**

Address or General Location: 1850 SE 17 Street

Bob Dunckel stated that Page 3, Paragraph 3, needed to be revised and the approval of the minutes should be deferred to next meeting. Jimmy Koeth stated that he also had some changes.

**ITEM THREE:**                    **SHOPPING CART ANTI-THEFT PROTECTION SYSTEM IN RIGHT-OF-WAY**

Address or General Location: 1415 E Sunrise Boulevard

Victor Volpi introduced item stating that Publix has been having problems with the theft of their shopping carts at their new store on Sunrise Boulevard. He said that the applicant would like to install low voltage anti-theft systems around their property which includes the remote parking lot on N.E. 14<sup>th</sup> Avenue. He stated that in order to do so, they will need to saw cut 1/4" and fill the pavement. He said that Mark Van Dyke with Stiles Corporation would like a positive recommendation to install this system in the right-of-way. Victor Volpi introduced Mark Van Dyke.

Mr. Van Dyke stated that Publix was proposing to use an anti-theft cart system which was already being used elsewhere in their network. Mr. Van Dyke stated that it was the same technology and concept as having an invisible fence around a property wherein the wheels on the shopping carts would lock if crossing the line. Mr. Van Dyke stated that there was off-site parking lot from the Publix shopping plaza. Mr. Van Dyke stated that they are proposing to saw cut 1-inch deep by 4-inch wide on 14<sup>th</sup> Avenue in two locations where the lines could be extended around a portion of parking lot and would then minimize and deter customers from taking the carts down to Sunrise Boulevard right-of-way, up and down the street, and to the neighborhood to the north, Lake Ridge. Mr. Van Dyke stated that Publix had 185 carts when they started in November 18, 2004 and as of April 17, 2005, 97 carts were missing. Mr. Van Dyke stated that some employees with pick up trucks would gather the carts a couple of times per day. Mr. Van Dyke said that Rixon Rafter, President of the Lake Ridge Homeowners Association, had seen a problem with the shopping carts in the neighborhood. Mr. Van Dyke said that the system was low voltage and would go across 14<sup>th</sup> Avenue at two locations and would adhere to Engineering specifications.

Bob Dunckel asked if the system would be underground and around the perimeter of both parcels. Mr. Van Dyke said yes. He questioned the discrepancy in the depth and width of the saw cut. Tony Irvine stated that the City should bear no costs for repairs, maintenance, and/or restoration.

Discussion followed regarding shopping carts getting stuck in the roadway, placing the low voltage across the street, the 42-inch force main, any danger associated with tearing out the lines, the immobilization of the carts in the roadway which would not unlock, and forewarned signage for the customers.

Mr. Van Dyke explained that the same scenario approved in Coral Gables.

Peter Partington stated that the carts can be left immobile in the public right-of-way and asked if the language in a revocable license agreement could prevent the City from any liability issues. Bob Dunckel said that the City would be involved at any rate.

Discussion followed getting to the off-site parking lot safely with the carts and without being immobile, relocating the crosswalk, placing the lines on the north and south sides of the crosswalk that was currently marked off, the line would run on the west side of the street as opposed to the east side,

Greg Thornburg stated that he has a problem placing voltage lines in the right-of-way where the placement would not be known to an underground locating service. Tony Irvine asked about signage.

Peter Partington stated that the mechanism to allow this item would be a revocable license agreement and an Engineering permit.

**MOTION BY TONY IRVINE TO RECOMMEND THE GRANTING OF A REVOCABLE LICENSE AGREEMENT THAT WILL CONFINE THE AREAS OF CART MOBILIZATION WITHIN THE RIGHT-OF-WAY TO AN AREA OVER THE PEDESTRIAN CROSSWALK.**

Tony Irvine suggested the strip to be 2-feet on either side of the 8-foot crosswalk which would immobilize any carts within the crosswalk. Mr. Van Dyke suggested that striping could be added across the 2-feet for the underground wires which would be the visual signal to the customers.

**MOTION RESTATED BY TONY IRVINE TO RECOMMEND THE GRANTING OF A REVOCABLE LICENSE AGREEMENT CONFINING THE IMMOBILIZATION AREA TO WITHIN 2-FEET OF THE OUTER LIMITS OF THE CROSSWALK, AND TO ALSO ALLOW THERMOPLASTIC OR STREET PLASTIC TO DELINEATE THE LOCATIONS OF THE LINES, AND TO REQUIRE SIGNAGE INDICATING THE NATURE AND LOCATIONS OF THE BURIED WIRES.**

Bob Dunckel stated that any signage would have to be ULDR compliant and should be placed on private property, facing the interior of the property and not visible from the right-of-way.

**SECONDED BY BOB DUNCKEL.**

Tom Terrell asked if there would be any alarm on the system if it was comprised at any time, would Publix's staff be alerted. Charlene Putnam said that there was an alarm in the store that would alert the manager.

**MOTION AMENDED TO RESTRICT THE AREA TO THE CROSSWALKS AND SIDEWALKS. SECONDED BY BOB DUNCKEL.**

**MOTION AMENDED BY TONY IRVINE TO REMOVE THE SIGNAGE ISSUE AND FOR A SYSTEM OF NOTIFICATION BY WORKED OUT BY THE ENGINEERING DEPARTMENT AND PLANNING AND ZONING TO ADEQUATELY INFORM THE PUBLIC AS TO LOCATION AND NATURE OF WIRES. SECONDED BY BOB DUNCKEL.**

**Yeas: Peter Partington, Tony Irvine, Bob Dunckel, Jimmy Koeth, Kathy Connor, Tom Terrell**  
**Nays: Greg Thornburg**

**ITEM FOUR: VACATION OF PLATTED EASEMENT, S.W. 33<sup>RD</sup> STREET**

Address or General Location: southwest corner of Andrews Avenue and SW 33 Street

Victor Volpi introduced the Sovereign Development Group would like a positive recommendations to vacate the 10-foot platted utility easement which surrounded their warehouse development at South Andrews Avenue and S.W. 33<sup>rd</sup> Street. Victor Volpi introduced Michael Madfis.

Mr. Madfis stated that they would not be vacating the entire 10-foot easement. Mr. Madfis explained that there were 5 locations that encroached small amounts into the 10-foot easement and he was looking to vacate (5) small portions. Mr. Madfis that he had the support of the utilities that would be affected. Mr. Madfis said that the land was recently developed as a commercial warehouse business center, the construction documents were submitted for permits and communication with the civil engineering with the platting process. Mr. Madfis stated that the plat was recorded prior to the CO of the building. Mr. Madfis stated that the title company has requested for them to vacate the portions of encroachments. Mr. Madfis stated that there were rights-of-way on Andrews Avenue and S.W. 33<sup>rd</sup> Street and 33<sup>rd</sup> Street had a 100-foot wide right-of-way.

Discussion followed as to the encroached areas for vacation, the as-builts, the issuance of the permit prior to the plat being recorded, future problems with transfer of ownership, a continuous 5-foot easement that would remain.

Peter Partington asked if the building permit was issued with the encroachments into the utility easements. Mr. Madfis stated that there were no utility easements on record when the building permit was applied for. Peter Partington asked if there was any need to preserve the easements. Tony Irvine said that the new easements were created along with the plat. He stated that he has a philosophical problem with the easement process. Victor Volpi stated that there needed to be communication between the Engineer and surveyors. Tony Irvine said that a perimeter easement was a standard issue when platting.

Mr. Madfis stated that all other utilities are currently off-site.

Bob Dunckel asked about utilities in the FEC corridor. Tony Irvine said that the utilities crosses over the FEC corridor. Bob Dunckel stated that the developer's team were in the position to know that they were building on encroachments. Mr. Madfis stated that the utilities company have no objections. Peter Partington asked why the land had to be platted. Mr. Madfis said the land was unplatted and for a new primary use on a parcel, the land has to be platted.

Greg Thornburg asked if the buildings were metered individually. Mr. Madfis stated that the meters for each building for water were located in the rights-of-way. Mr. Madfis said that only FPL would need an easement to the building. Mr. Madfis stated that there was a 30-foot swale between the edge of pavement and the property line.

Tony Irvine asked if there were any easements that ran parallel to FEC right-of-way. Mr. Madfis said that there were no utilities in any of the easements except for an FPL transformer on the north side. Tony Irvine asked if the applicant would be oppose to vacating the entire portion along the FEC and rededicating another easement that would run parallel to the buildings 3321 and 3311 from 33<sup>rd</sup> Street to the perimeter easements on the other side. Tony Irvine suggested to leave all easements around the perimeter, and to vacate the easements along the FEC railroad and an alternate easement should be given to connect the easements through the property.

**MOTION BY TONY IRVINE TO RECOMMEND THE VACATION OF THE TRIANGULAR PORTIONS THAT ENCROACH THE EASEMENTS AS PARALLEL WITH 33<sup>RD</sup> STREET AND THE VACATION OF THE ENTIRE EASEMENT THAT RUNS PARALLEL TO THE FEC RIGHT-OF-WAY WITH THE EXCEPTION OF THE NORTH 10 FEET AND THE SOUTHEASTERLY 10 FEET, AND BE CONDITIONED UPON THE APPLICANT GRANTING A 10-FOOT EASEMENT THAT RUNS SOMEWHERE BETWEEN BUILDINGS 3321 AND 3311 THAT WOULD CONNECT THE EASEMENT PARALLEL TO 33<sup>RD</sup> STREET TO THE PERIMETER EASEMENT ON THE SOUTHWEST CORNER OF THE PROPERTY.**

Tony Irvine explained that the City would maintain a 10-foot perimeter easement from the southerly corner along the western and northern boundaries of the plat.

**SECONDED BY BOB DUNCKEL.**

Bob Dunckel asked why was it necessary to rededicate an utility easement between lots 3321 and 3311. Tony Irvine explained that for future use, no one knows what the utility configuration in the area would be.

**MOTION PASSED UNANIMOUSLY.**

**ITEM FIVE: VACATION OF RIGHT-OF-WAY, S.E. 20<sup>TH</sup> STREET**

Address or General Location: northeast corner of SE 20 Street and SE 10 Avenue

Victor Volpi introduced item stating that the Port Authority has closed S.E. 20<sup>th</sup> Street at S.E. 10<sup>th</sup> Avenue for security reasons. He stated that the owners of the property on the northeast corners of S.E. 20<sup>th</sup> Street and S.E. 10<sup>th</sup> Avenue would like a positive recommendation to formally vacate the north 35 feet of S.E. 20<sup>th</sup> Street along the property line which was dedicated by plat. He said that the remaining 25-feet of S.E. 20<sup>th</sup> Street which was dedicated by various instruments of conveyance would remain as access for the property owner to the south. He said that the proposed vacated right-of-way would be used for redevelopment. Victor Volpi introduced Ed Ploski, agent for owner.

Mr. Ploski stated that it was unclear whether the 35 feet was dedicated by plat. Tony Irvine confirmed that the applicant wanted to vacate 35-feet of right-of-way.

Discussion followed regarding the area and accessibility and access points to the area.

Mr. Ploski stated that they would like to vacate the 35-foot easement and have it remain as a utility easement.

James McCulla, Manager for the Shopping Center and Agent for both the Shopping Center and Mariani, stated that the Shopping center provided a truck route around its perimeter and the trucks did have access to 20<sup>th</sup> Street. Peter Partington stated that the road closure was currently necessary in order to prevent the asfeld trucks on 10<sup>th</sup> Avenue. Peter Partington asked why the vacation was necessary. Mr. McCulla stated that it would allow them to put parking and landscaping to the Mariani parcel when being redeveloped. Jimmy Koeth stated that there was a 25-foot right-of-way, which would need to be maintained and an avenue should be kept open for future purposes and it would be

an Engineering decision.

Discussion followed regarding the width of the right-of-way, any right-of-way easement, the 25-foot access easement that connected to Eisenhower Boulevard, any parking in the right-of-way with a revocable license agreement, landscaping.

Tony Irvine asked if Planning and Zoning Department could look at the whole area and come up with a comprehensive plan. Kathy Connor said yes. Victor Volpi said that anything could be done but the PROW Committee does need policy decisions and more involvement from the City Manager's office.

Peter Partington stated that he was not sure if 25-feet of right-of-way was enough. Mr. Ploski said that future developers should also give 25-feet when platted.

Mr. McCulla stated that the access was required to be closed, the access for 20<sup>th</sup> Street was ended due the pavement conditions and preserving the area for heavy traffic use was not possible. Peter Partington said that a typical right-of-way is 50 feet and given the current 25-feet, 12-1/2 feet should be given on either side of the sidewalk.

Peter Partington suggested to vacate the northern roadway 22-1/2 feet portion.

Discussion followed making the road wider and circulation on 10<sup>th</sup> Avenue.

Tony asked about 12½ feet that would relieve some burden of right-of-way from the property and be shifted to the developer. Bob Dunckel said that parking could not be placed in the vacated portion due to a utility easement. Mr. McCulla stated that no structures would be placed in the right-of-way.

**MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL OF THE VACATION OF THE NORTHERN 22-½ FEET OF THE 35-FEET REQUESTED. SECONDED BY GREG THORBURG.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM SIX: EASEMENT TO FLORIDA POWER & LIGHT, WAR MEMORIAL AUDITORIUM**

Address or General Location: 800 NE 8 Street

Victor Volpi introduced item stating that the City Architectural Division is making improvements to War Memorial Auditorium and they would like a positive recommendation to give Florida Power and Light (FPL) an additional extension to an existing easement to supply power to the building. Victor Volpi introduced Frank Snedaker, Acting Chief Architect and Ferney Garcia, Architectural Assistant.

Frank Snedaker stated that War Memorial has been undergoing extensive renovations with the mechanical equipment such as new air conditioners, lighting, equipment chillers, etc., and would consume twice the amount of electricity and need more power to the building. He stated there were new switch gears in place and FPL would bring new service and new transformers, a concrete pad was in place and approval is needed to establish an easement to get to the equipment on the concrete pad.

Tom Terrell stated that he was at the War Memorial and asked if the transformer would be located near the pump house. Frank Snedaker said yes. He stated that all overhead lines would be placed underground. Tony Irvine said that an easement was needed in order to be on the locate list. Frank Snedaker stated that FPL would not tie in the electric until an easement was granted and the new a/c units needed to be up and running the early days of May due to already scheduled events such as high school graduation ceremonies. He said that they might have to employ a temporary generator during the warming months.

Greg Thornburg stated that there were water lines surrounding the building and asked if his department was contacted. Frank Snedaker said no.

Bob Dunckel asked, if item was approved by the Commissioners, if Tony Irvine would modify the proposed legal descriptions. Tony Irvine said that there were no legal descriptions. He stated that the utilities would be located, placed on the survey and the easements would be plotted. Greg Thornburg said that 5 feet on either side should be preserved. Bob Dunckel asked about vertical or horizontal adjustments. He stated that the Architects and Greg Thornburg would determine both the horizontal or vertical locations of the easements. He stated that a unanimous vote would have to be obtained from the Commission, per the new charter.

**MOTION BY BOB DUNCKEL TO APPROVE SUBJECT TO THE UTILITIES DEPARTMENT AND SURVEYORS TO FIND THE HORIZONTAL AND VERTICAL DATA FOR THE LOCATIONS OF THE EASEMENTS. SECONDED BY TONY IRVINE.**

**MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 11:55 A.M.